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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. LIPINSKI introduced the following bill; which was referred to the
Committee on _____

A BILL

To expand aviation capacity in the Chicago area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Aviation Ca-
5 pacity Expansion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:



1 (1) The reliability and efficiency of the national
2 air transportation system significantly depend on the
3 efficiency of Chicago O'Hare International Airport.
4 Because of O'Hare's central location, and the mag-
5 nitude of the demand for air transportation services
6 in northeast Illinois and northwest Indiana, O'Hare
7 has an essential role in the national air transpor-
8 tation system. The reliability and efficiency of inter-
9 state air transportation for residents and businesses
10 in many States depend on efficient processing of air
11 traffic operations at O'Hare.

12 (2) The largest efficient hub airports in the
13 United States are designed with multiple parallel
14 runways without substantial runway intersections.
15 O'Hare cannot efficiently perform its role in the na-
16 tional air transportation system unless it has such a
17 design.

18 (3) New runway construction projects are local
19 decisions that are supported by the Federal Govern-
20 ment through the Airport Improvement Program
21 and other programs. Given the importance of air
22 travel to our national economy, and the importance
23 of O'Hare to national air transportation, it is critical
24 that the Federal Government does all it can to facili-
25 tate redesign of O'Hare and the development of an



1 additional air carrier airport located near Peotone,
2 Illinois.

3 (4) The Governor of Illinois and the Mayor of
4 Chicago have determined that redesign of O'Hare
5 and the development of an additional air carrier air-
6 port located near Peotone, Illinois, as described in
7 this Act, are each necessary and desirable to provide
8 reliable and efficient air commerce.

9 (5) On December 5, 2001, the Governor of Illi-
10 nois and the Mayor of Chicago entered into an his-
11 toric agreement that would modernize O'Hare Inter-
12 national Airport, by providing for—

13 (A) east-west parallel runways;

14 (B) construction of a south suburban air-
15 port near Peotone;

16 (C) addressing traffic congestion along the
17 Northwest Corridor, including western airport
18 access;

19 (D) continuation of the operation of Chi-
20 cago Meigs Field; and

21 (E) maintenance of the quality of life for
22 residents near the airports.

23 (6) The importance of increasing commercial
24 air service at the Gary-Chicago and Greater Rock-
25 ford Airports is also recognized.



1 **SEC. 3. AIRPORT REDESIGN.**

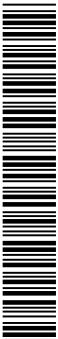
2 (a) NECESSITY OF O'HARE RUNWAY REDESIGN AND
3 DEVELOPMENT OF SOUTH SUBURBAN AIRPORT.—

4 (1) It is the policy of Congress that redesign
5 and reconstruction of Chicago O'Hare International
6 Airport in Cook and DuPage Counties, Illinois, in
7 accordance with the runway redesign plan, and the
8 development of a south suburban airport in the Chi-
9 cago metropolitan region, are each required to im-
10 prove the efficiency of, and relieve congestion in, the
11 national air transportation system.

12 (2)(A) The Administrator of the Federal Avia-
13 tion Administration shall implement the Federal pol-
14 icy described in paragraph (1) by facilitating ap-
15 proval, funding, construction, and implementation
16 of—

17 (i) the runway redesign plan upon receipt
18 of an application from Chicago for approval of
19 an airport layout plan that includes the runway
20 redesign plan; and

21 (ii) the south suburban airport upon re-
22 ceipt of an application from the State of Illinois
23 or a political subdivision thereof for approval of
24 an airport layout plan for a south suburban air-
25 port.



1 (B) Implementation of each plan described in
2 subparagraph (A) shall be subject to application of
3 Federal laws with respect to environmental protec-
4 tion and environmental analysis including the Na-
5 tional Environmental Policy Act and the determina-
6 tion of the Administrator of the Federal Aviation
7 Administration that the plan meets the criteria re-
8 garding practicability, safety, and efficiency, and is
9 consistent with Federal Aviation Administration de-
10 sign criteria.

11 (3) The State shall not enact or enforce any
12 law respecting aeronautics that interferes with, or
13 has the effect of interfering with, implementation of
14 Federal policy with respect to the runway redesign
15 plan including sections 38.01, 47, and 48 of the Illi-
16 nois Aeronautics Act.

17 (4) All environmental reviews, analyses, and
18 opinions related to issuance of permits, licenses, or
19 approvals by operation of Federal law relating to the
20 runway redesign plan or the south suburban airport
21 shall be conducted on an expedited basis. Each Fed-
22 eral agency having jurisdiction shall complete envi-
23 ronmental-related reviews on an expedited basis in
24 an integrated effort with the Federal Aviation Ad-
25 ministration. Other Federal agencies shall defer to



1 the congressional finding of need for the plans sub-
2 mitted under this section and the Federal Aviation
3 Administration's determination as the lead Federal
4 agency of reasonable, practicable, feasible, and pru-
5 dent alternatives.

6 (5) If the Administrator of the Federal Aviation
7 Administration determines that construction or oper-
8 ation of the runway redesign plan would not con-
9 form, within the meaning of section 176(c) of the
10 Clean Air Act, to an applicable implementation plan
11 approved or promulgated under section 110 of the
12 Clean Air Act, the Environmental Protection Agency
13 shall forthwith use its powers under the Clean Air
14 Act respecting approval and promulgation of imple-
15 mentation plans to cause or promulgate a revision of
16 such implementation plan sufficient for the runway
17 redesign plan to satisfy the requirements of section
18 176(c) of the Clean Air Act.

19 (6) In this section:

20 (A) The term "runway redesign plan"
21 means—

22 (i) 6 parallel runways at O'Hare ori-
23 ented in the east-west direction with the
24 capability, to the extent determined by the
25 Administrator to be practicable, safe, and



1 efficient, for 4 simultaneous independent
2 instrument aircraft arrivals, and all associ-
3 ated taxiways, navigational facilities, pas-
4 senger handling facilities, and other related
5 facilities; and

6 (ii) the closure of existing runways
7 14L-32R, 14R-32L, and 18-36.

8 (B) The term “south suburban airport”
9 means an additional air carrier airport in the
10 vicinity of Peotone, Illinois.

11 (C) The term “Administrator” means the
12 Administrator of the Federal Aviation Adminis-
13 tration or his designee.

14 (b) PHASING OF CONSTRUCTION.—Approval by the
15 Administrator of an airport layout plan that includes the
16 runway redesign plan shall provide that any runway lo-
17 cated more than 2500 feet south of existing runway 9R-
18 27L shall not begin construction before January 1, 2011.

19 (c) WESTERN PUBLIC ROADWAY ACCESS.—The Ad-
20 ministrator shall not consider an airport layout plan sub-
21 mitted by Chicago that includes the runway redesign plan,
22 unless it includes public roadway access through the west-
23 ern boundary of O’Hare to passenger terminal and park-
24 ing facilities. Approval of western public road access shall
25 be subject to the condition that the cost of construction



1 be paid for from airport revenues consistent with Federal
2 Aviation Administration revenue use requirements.

3 (d) NOISE MITIGATION.—

4 (1) Approval by the Administrator of an airport
5 layout plan that includes the runway redesign plan
6 shall require Chicago to offer acoustical treatment of
7 all single-family houses and schools located within
8 the 65 DNL noise contour for each construction
9 phase of the runway redesign plan, subject to Fed-
10 eral Aviation Administration guidelines and speci-
11 fications of general applicability. Chicago shall be re-
12 quired to provide the Administrator with information
13 sufficient to demonstrate that the acoustical treat-
14 ment required by this paragraph is feasible.

15 (2)(A) Approval by the Administrator of an air-
16 port layout plan that includes the runway redesign
17 plan shall be subject to the condition that noise im-
18 pact of aircraft operations at O'Hare in the calendar
19 year immediately following the year in which the
20 first new runway is first used, and in each calendar
21 year thereafter, will be less than the noise impact in
22 calendar year 2000.

23 (B) The Administrator shall make the deter-
24 mination described in subparagraph (A)—



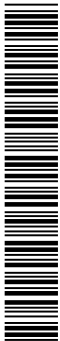
1 (i) using, to the extent practicable, the pro-
2 cedures specified in part 150 of title 14, Code
3 of Federal Regulations;

4 (ii) using the same method for calendar
5 year 2000 and for each forecast year; and

6 (iii) by determining noise impact solely in
7 terms of the aggregate number of square miles
8 and the aggregate number of single-family
9 houses and schools exposed to 65 or greater
10 decibels using the DNL metric, including only
11 single-family houses and schools in existence on
12 the last day of calendar year 2000.

13 (C) The condition described in this paragraph
14 shall be enforceable exclusively by the Administrator,
15 using noise mitigation measures approved or approv-
16 able under part 150 of title 14, Code of Federal
17 Regulations. The United States shall have no finan-
18 cial responsibility or liability if operations at O'Hare
19 in any given year do not satisfy the condition in this
20 paragraph.

21 (e) SOUTH SUBURBAN AIRPORT FEDERAL FUND-
22 ING.—The Administrator shall give priority consideration
23 to a letter of intent application submitted by the State
24 of Illinois or a political subdivision thereof for the con-
25 struction of the south suburban airport. The Adminis-



1 trator shall consider the letter not later than 90 days after
2 the Administrator issues final approval of the airport lay-
3 out plan for the south suburban airport.

4 (f) FEDERAL CONSTRUCTION.—

5 (1) On July 1, 2004, or as soon as practicable
6 thereafter, the Administrator shall construct the
7 runway redesign plan as a Federal project, if—

8 (A) the Administrator finds, after notice
9 and opportunity for public comment, that a
10 continuous course of construction of the runway
11 redesign plan has not commenced and is not
12 reasonably expected to commence by December
13 1, 2004;

14 (B) Chicago agrees in writing to construc-
15 tion of the runway redesign plan as a Federal
16 project without cost to the United States, ex-
17 cept such funds as may be authorized under
18 chapter 471 of title 49, United States Code,
19 under the authority of paragraph (4);

20 (C) Chicago enters into an agreement, ac-
21 ceptable to the Administrator, to protect the in-
22 terests of the United States Government with
23 respect to the construction, operation, and
24 maintenance of the runway redesign plan;

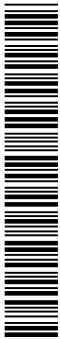


1 (D) the agreement with Chicago, at a min-
2 imum provides for Chicago to take over owner-
3 ship and operational control of each element of
4 the runway redesign plan upon completion of
5 construction of such element by the Adminis-
6 trator;

7 (E) Chicago provides, without cost to the
8 United States Government (except such funds
9 as may be authorized under chapter 471 of title
10 49, United States Code, under the authority of
11 paragraph (4)), land, easements, rights-of-way,
12 rights of entry, and other interests in land or
13 property necessary to permit construction of the
14 runway redesign plan as a Federal project and
15 to protect the interests of the United States
16 Government in its construction, operation,
17 maintenance, and use; and

18 (F) the Administrator is satisfied that the
19 costs of the runway redesign plan will be paid
20 from the sources normally used for airport de-
21 velopment projects of similar kind and scope.

22 (2) The Administrator may make an agreement
23 with the City of Chicago under which Chicago will
24 provide the work described in paragraph (1), for the
25 benefit of the Administrator.



1 (3) The Administrator is authorized and di-
2 rected to acquire in the name of the United States
3 all land, easements, rights-of-way, rights of entry, or
4 other interests in land or property necessary for the
5 runway redesign plan under this section, subject to
6 such terms and conditions as the Administrator
7 deems necessary to protect the interests of the
8 United States.

9 (4) Chicago shall be deemed the owner and op-
10 erator of each element of the runway reconfiguration
11 plan under section 40117 and chapter 471 of title
12 49, United States Code, notwithstanding any other
13 provision of this section or any of the provisions in
14 such title referred to in this subsection.

15 (g) MERRILL C. MEIGS FIELD.—

16 (1) Until January 1, 2026, the Administrator
17 shall withhold all airport grant funds respecting Chi-
18 cago O'Hare International Airport, other than
19 grants involving national security and safety, unless
20 the Administrator is reasonably satisfied that the
21 following conditions have been met:

22 (A) Merrill C. Meigs Field in Chicago ei-
23 ther is being operated by Chicago as an airport
24 or has been closed by the Federal Aviation Ad-



1 ministration for reasons beyond Chicago's con-
2 trol.

3 (B) Chicago is providing, at its own ex-
4 pense, all off-airport roads and other access,
5 services, equipment, and other personal prop-
6 erty that it provided in connection with the op-
7 eration of Meigs Field on and prior to Decem-
8 ber 1, 2001.

9 (C) Chicago is operating Meigs Field, at
10 its own expense, at all times as a public airport
11 in good condition and repair open to all users
12 capable of utilizing the airport, and is maintain-
13 ing the airport for such public operations at
14 least from 6:00 a.m. to 10:00 p.m. 7 days a
15 week whenever weather conditions permit.

16 (D) Chicago is providing or causing its
17 agents or independent contractors to provide all
18 services (including police and fire protection
19 services) provided or offered at Meigs Field on
20 or immediately prior to December 1, 2001, in-
21 cluding tie-down, terminal, refueling, and repair
22 services, at rates that reflect actual costs of
23 providing such goods and services.

24 (2) After January 1, 2006, the Administrator
25 shall not withhold grant funds under this Act to the



1 extent the Administrator determines that with-
2 holding of grant funds would create an unreasonable
3 burden on interstate commerce. If Meigs Field is
4 closed by the Federal Aviation Administration for
5 reasons beyond Chicago's control, the conditions de-
6 scribed in subparagraphs (B) through (D) shall not
7 apply.

8 (3) The Administrator shall not enforce the
9 conditions listed in paragraph (1) if the State of Illi-
10 nois enacts a law on or after January 1, 2006, au-
11 thorizing the closure of Meigs Field.

12 (4) Net operating losses resulting from oper-
13 ation of Meigs Field, to the extent consistent with
14 law, are expected to be paid by the 2 air carriers at
15 O'Hare International Airport that paid the highest
16 amount of airport fees and charges at O'Hare Inter-
17 national Airport for the preceding calendar year.
18 Notwithstanding any other provision of law, the City
19 of Chicago may use airport revenues generated at
20 O'Hare International Airport to fund the operation
21 of Meigs Field.

22 (h) JUDICIAL REVIEW.—An order issued by the Ad-
23 ministrator of the Federal Aviation Administration, in
24 whole or in part, under this section shall be deemed to
25 be an order issued under subtitle VII of part A of title



1 49, United States Code, and shall be reviewed in accord-
2 ance with the procedures in section 46110 of title 49,
3 United States Code.

